

BELLA VISTA CITY COUNCIL MEETING MINUTES – JANUARY 25, 2021, 6:30PM VIA ZOOM

Call to Order by Mayor Christie at 6:33PM

Pledge of Allegiance was recited.

Clerk Jertson called the Roll of Council; Wozniak, Flynn, Fowler, Bourke, Wilms and Snow present.

Citizen Input: Gene Groseclos spoke on behalf of Cooper Communities regarding the Rezoning Ordinance on tonight's agenda. He gave a little history of the zoning of this property when Bella Vista became a city. He feels that some of the zoning at the time of becoming a city was not designated properly. He stated that it was not proper to zone private property P-1 in the first place. He asked the council to support their request for this change.

Glenn Baldwin then stated his concern about this proposed zoning change. He feels that this change is not in the best interest of the neighborhood. With the Back-40 Trailhead at this location, he is concerned that the change will adversely affect Bikers and trail user's first impression of the area. He urged council not to make this change.

Robin Grosbeck was the next person to speak on this issue. She also is concerned that this change is not in the best interest of the residents of the affected area. She feels that any development in this area will create additional flooding risk to the area that is already prone to flooding. She questioned could the POA or the City purchase this property and make a park of this area. Maybe Cooper could consider a donation of this land to become a park. She asked that the Council carefully consider this issue.

Claudia Davis stated that she is a resident of Lake Ann and uses the lake and the trails regularly. She is very concerned of the negative effect this rezoning could have on the area. She stated that there is a natural spring that could be damaged if this development were to happen. She urged that this development not take place. She thanked the council for this opportunity to speak.

Council Reply: Council member Bourke thanked all who spoke about this issue. Council member Wilms stated that the wording in the Ordinance refers to the correct parcel.

Approval of the Minutes from the December 14, 2020 Council meeting. Mr. Wilms questioned the ownership of the streets in the Highland Park Villas Subdivision. Mayor Christie stated that the minutes are correct as stated. Motion to approve the minutes as presented made by Mr. Wilms, seconded by Mr. Wozniak. Roll Call vote was unanimous to approve.

Financial Report for November was reported by the Mayor. Bella Vista continues to be in a very good financial position. Council has received the report and if there are any questions, Mayor Christie asked that council members contact Finance Director Elsten.

The Mayor then spoke about the Vaccination Clinic that was held by the Fire Department at Riordan Hall. He thanked Fire Chief Sims and Communications Director Cassi Lapp for their efforts in organizing this very successful community event. Many people were involved and 803 people received their first dose of the Covid-19 Vaccine. Those people will return in February to receive their 2nd dose of the vaccine.

Motion to Suspend the rules and read all Ordinances and Resolutions by title only was made by Wozniak, second by Flynn. Roll call vote was unanimous to support.

Appoint Mayor Pro-Tem for 2021 Mayor Christie asked for nominations for this position. Mr. Wozniak nominated John Flynn. Mr. Wilms nominated Doug Fowler. There were no further nominations. Clerk Jertson called the roll of council asking each member to name their selection. Wozniak selected Flynn, Snow selected Fowler, Flynn selected Flynn, Fowler selected Fowler, Bourke selected Fowler and Wilms selected Fowler. Doug Fowler will be Mayor Pro-Tem for 2021.

NEW BUSINESS:

ORDINANCE 2021- AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2020-36098 (COUNTY PARCEL NO. 16-31043-000) FROM P-1, CONSERVATION DISTRICT, TO R-1, SINGLE FAMILY RESIDENTIAL. *Mayor Christie read the Ordinance and Staff Attorney spoke briefly about the role of Council when the planning commission gives an unfavorable response to a request. The final decision rests with the council. Council member Doug Fowler offered an amendment to the Ordinance. This amendment was submitted in writing and was distributed to council members prior to the meeting. Mr. Fowler talked about the changes in his amendment versus the original Ordinance. He presented a map with his amendment to show the proposed change. There were a variety of comments made then Mr. Fowler made a motion to amend which was seconded by Mr. Snow. Staff Attorney Kelley then suggested that it might be a good time to ask Mr. Groseclos if he would like to comment on the proposed amendment. Mr. Wilms asked about the land outside the flood zone at the other side of the affected property, he wanted to know if it was in the proposal as R-1. Planner Derek Linn comment that that was indeed outside the flood plain area. Mr. Groseclos chose to speak at that time. He stated that the land in the flood plain is protected by other regulation even if it is designated as R-1. He asked the council to support the original proposal on the agenda. Attorney Kelley talked to the issue of development in a flood zone, stating the many challenges that are in place to protect the flood plain. A developer would have to clear the many hurdles that this presents. After more discussion, the roll call of council was taken and the amended Ordinance was approved unanimously. This Ordinance will move to second reading at the February meeting of council as amended.*

ORDINANCE 2021- AMENDING ARTICLE III OF CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA CLARIFY THE DEFINITION OF SPECIAL EVENT, TO MODIFY THE TIMING REQUIREMENTS FOR APPLICATIONS, TO MAKE ADDITIONAL MODIFICATIONS, AND FOR OTHER PURPOSES. *Mayor Christie spoke about some of the changes suggested at the council work session and went over the changes that had been made to the Ordinance. Some discussion was held about the deposit requirement for those planning an event. Mr. Wilms stated that if there is a deposit required that the city should be the party controlling that. Mr. Flynn suggested that the 90 day requirement be shortened to 60 days. He felt that would be a better time period. The Mayor stated that these suggestions will be given to Cassi Lapp who proposed This Ordinance for consideration and it will be moved to second reading at the February meeting.*

R2021-01-RESOLUTION- DESIGNATING AUTHORIZED DISBURSING OFFICERS AND MUNICIPAL DEPOSITORY BOARD FOR THE CITY OF BELLA VISTA FOR CALENDAR YEAR 2021. *Mayor Christie explained this resolution and the need for this being done at the first meeting of the year. Mr. Wilms suggested that the city clerk not be on the depository board. He suggested it be the Mayor Pro-Tem. Mr. Wozniak suggested leaving it as presented. Motion to approve by John Flynn, second by Mr. Wozniak. Roll call vote was taken.. Voting to approve were, Flynn, Wozniak,*

Fowler, Bourke and Snow. Voting nay was Wilms. Resolution approved.

(After some discussion the addition of the reason Mr. Wilms did not support the Resolution will be added to the minutes as follows; "Mr. Wilms suggested that the clerk not be on the depository board because the Clerk is not a voting member of the Council and not directly responsible to the electors." A roll call vote on the amendment to the minutes was taken and was supported by Wilms, Bourke, Snow, Flynn and Fowler. Wozniak voted no. Minutes will be changed to reflect this action.)

R2021-02-RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP FOR THE PURCHASE OF THREE (3) 2020 DODGE CHARGER POLICE CRUISERS, PURSUANT TO A STATE PROCUREMENT CONTRACT, IN AN AMOUNT NOT TO EXCEED \$78,000 FOR THE POLICE DEPARTMENT. *Mayor Christie read the Resolution and explained the decision to purchase 2020 Chargers instead of 2021 vehicles. The 2021 vehicles were not available with V-8's and 3 new 2021's were located. Motion to approve by Wilms, second by Fowler. Roll call vote was unanimous to approve.*

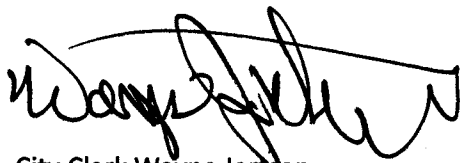
R2021-03-RESOLUTION-AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A THIRD AMENDMENT TO THE LIMITED TERMINABLE LICENSE AGREEMENT (TRAIL SYSTEM LICENSE) WITH BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, INC. FOR THE PURPOSE OF ADDING PARCELS FOR EXPANSION OF THE PUBLIC TRAIL SYSTEM. *Mayor Christie stated the reason for this proposed change in the trail called Flo-Ride is due to the steepness of the trail and this change would make the trail easier to maintain. Trailblazers suggested the change. After a little discussion a Motion to approve was made by Wilms, second by Fowler. Supported unanimously. Resolution approved.*

R2021-04-RESOLUTION- AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GUARANTEED MAXIMUM PRICE AMENDMENT TO THE CONTRACT WITH CLINARD CONSTRUCTION MANAGEMENT, INC. IN THE AMOUNT OF \$2,450,000.00 FOR THE CONSTRUCTION OF FIRE STATION #3. *Mayor Christie read the Resolution and made a few comments about the Resolution. It sets the maximum amount that can be spent on the construction. Clinard Construction who is the Construction manager for this project will look for any savings that may be made as the construction continues. Mr. Wilms stated his concern that the value engineering will continue throughout the process. Chief Sims stated that there are items in the bid that they may change as this proceeds and that is where the savings can be made. Mr. Fowler moved approval, seconded by Mr. Wozniak. All council members supported.*
(Mr. Wilms then brought up another change he would like to add to the minutes from Jan. 25th meeting. He felt that "value-engineering was not completed during final design and plan preparations stage as it is rarely, if ever, possible to achieve savings after bidding using change orders. Chief Sims stated that there are a number of optional items in the bidding that they will select to achieve best value options for the city. Wilms moved to have this change recorded in the minutes, Fowler seconded. Vote was called and was supported by Wilms, Fowler, Flynn and Snow. Opposed were Bourke and Wozniak. Minutes will be changed to reflect this action.)

MEETINGS AND ANNOUNCEMENTS:

- The next City Council Work Session will be Tuesday February 16, 2021-at 5:30PM by Zoom meeting.
- The next Regular meeting of the City Council, Monday February 22, 2021 at 6:30 PM by Zoom meeting.
- Planning Commission Work Session will be January 28, 2021 at 4:30PM by Zoom meeting.
- Planning Commission Regular Meeting will be February 8, 2021 at 4:30PM by Zoom meeting.
- Board of Zoning Adjustment will be February 17, 2021 at 5:30PM by Zoom meeting.
- Board of Construction Appeals will be February 9, 2021 by Zoom meeting.

Meeting was adjourned at 7:47PM


City Clerk Wayne Jertson




Mayor Peter Christie